



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

*AW ORD 278*

**JOHN L. HILL  
ATTORNEY GENERAL**

**February 3, 1975**

The Honorable A. E. Garcia  
Superintendent  
Rio Grande City Public Schools  
Fort Ringgold  
Rio Grande City, Texas 78582

Open Records Decision No. 68

Re: Does the Open Records  
Act require a letter of  
resignation to be revealed.

Dear Mr. Garcia:

Pursuant to section 7 of the Open Records Act, article 6252-17a, V. T. C. S., you have requested our decision as to whether a letter of resignation submitted by a school district employee is excepted from public disclosure. You contend that the requested information is excepted from disclosure by section 3(a)(2), which excepts "information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy . . . ."

A letter of resignation is certainly information "relevant to the individual's employment relationship," and is the type of information intended to be dealt with by section 3(a)(2). See Open Records Decision No. 31 (1974).

The question is then whether disclosure of the information "would constitute a clearly unwarranted invasion of personal privacy . . . ."

While the right of privacy is recognized in Texas and has been defined, Billings V. Atkinson, 489 S. W. 2d 858 (Tex. Sup. 1973), there is little case law to guide a decision as to whether the disclosure of this particular information would constitute such an invasion.

However, other statutory provisions do provide assistance. The Open Records Act and the Open Meetings Act, article 6252-17, V. T. C. S., have similar purpose and should be construed in harmony. Attorney General Opinion H-484 (1974). Both Acts have provisions dealing with

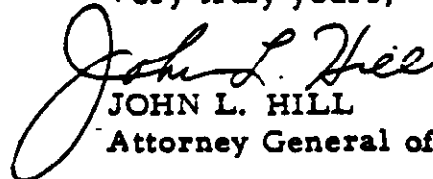
the privacy interest of individual employees. Compare V. T. C. S. art. 6252-17a, § 3(a)(2) with V. T. C. S. art. 6252-17, § 2(g). The Open Meetings Act permits a governmental body to exclude the public from discussions "involving the appointment, employment, evaluation, re-assignment, duties, discipline, or dismissal" of an employee. Sec. 2(g).

In Open Records Decision No. 60 (1974) we said that minutes of a school board meeting which reflect discussion of personnel matters properly held in closed session are excepted from required disclosure under sections 3(a)(1) and 3(a)(2).

You explain that the resignation in question was submitted at a closed executive session of the Board of Trustees. The matter was properly treated as confidential at the meeting, and we believe that the written information dealing with the same matter is entitled to be dealt with in the same way unless the person who submitted the letter of resignation has waived his privacy right.

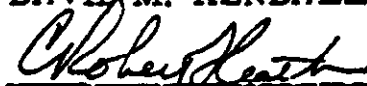
It is our decision that the requested information is excepted from required public disclosure by section 3(a)(2) of the Open Records Act.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
DAVID M. KENDALL, First Assistant

  
C. ROBERT HEATH, Chairman  
Opinion Committee